

as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses and per diem of Members, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, May 22, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1041, "An Act providing for Twenty-five Dollars (\$25) expenses for County Commissioners in certain counties in this State; providing mode and manner of payment of such expense accounts; making this Act cumulative of all laws and parts of laws now in force in this State, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 22, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1054, "An Act providing for the payment of the traveling expenses of the court reporter of the One Hundred and Tenth Judicial District of Texas, composed of Briscoe, Motley, Dickens, and Floyd Counties; limiting the amount of expense to be paid; providing for sworn accounts to be approved by the District Judge and filed with the District Clerk in the county where the Judge resides, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 22, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 142, Granting Susan Robertson, et al, the right to sue the State.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 22, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 153, Recalling House Bill No. 1080.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 22, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 154, Congratulating Mr. Murray C. Sells and the City of Gladewater on the Second Annual Gladewater Roundup.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

May 22, 1939

House Bill No. 1046.

House Bill No. 1041.

House Bill No. 1054.

House Concurrent Resolution No. 124.

House Concurrent Resolution No. 149.

House Concurrent Resolution No. 142.

House Concurrent Resolution No. 153.

House Concurrent Resolution No. 154.

SEVENTY-THIRD DAY

(Continued)

(Tuesday, May 23, 1939)

The House met at 10:00 o'clock a. m., and was called to order by Speaker Morse.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Lord, we know that Thou art, and that Thou art a rewarder of them that diligently seek Thee. Humbly we stand before Thee just now, with praise for Thy goodness and power. We pray for Thy help and guiding hand in our efforts today. In Jesus' name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Riviere for today, on account of important business, on motion of Mr. Voigt.

Mr. Hankamer for today and the balance of the week, on motion of Mr. Vale.

HOUSE BILL NO. 340 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 340, A bill to be entitled "An Act declaring the purpose of this enactment; providnig for payment of old age assistance benefits; fixing qualifications of those entitled to receive old age assistance; defining the term 'needy person' and other words and terms used in this Act; fixing amount of assistance to be granted by the State; providing for preparation and execution of applications for assistance and supporting affidavits; creating Texas Old Age Commission, and providing for membership of such Commission; etc., and declaring an emergency."

The bill having heretofore been read second time with amendment offered by Mr. Keith and amendment by Mr. Kersey to the amendment by Mr. Keith, pending.

On motion of Mr. Keith, the amendment by Mr. Kersey was tabled.

Mr. Derden offered the following amendment to the amendment:

Amend mimeograph substitute to House Bill No. 340, Article XIII, Section 1 (a), page 25 printed bill, so that said subdivision shall read, as follows:

"Section 1.

"(a) There shall be levied, assessed, collected and paid —

"(1) A tax of one cent (1c) for each twenty-five cents (25c) or fraction thereof, in excess of 51c of the amount paid for admission to any place, including admission by season ticket or subscription, to be paid by the person paying for such admission. In the case of persons (except bona fide employees, municipal officers on official business, and children under twelve (12) years of age), admitted free, or at reduced rates, to any place

at a time when and under circumstances under which an admission charge is made to other persons, an equivalent tax shall be collected, based on the price so charged to such other persons for the same or similar accommodations, to be paid by the person so admitted. Amounts paid for admission by season ticket or subscription shall be exempt only if the amount which would be charged to the holder or subscriber for a single admission is less than fifty-one cents (51c)."

Mr. Morris moved to table the amendment by Mr. Derden.

The motion to table was lost.

Mr. Morris offered the following substitute for the amendment by Mr. Derden:

Amend mimeographed substitute for House Bill No. 340, Article XIII, pages 25 and 27, by changing the words and figures "thirty-five (35c) cents," wherever they appear, and substitute the words and figures, "forty-one (41c) cents."

MORRIS,
VINT.

(Pending consideration of the substitute amendment by Mr. Morris, Mr. Leonard occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Derden moved to table the substitute amendment by Mr. Morris.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—95

Allison	Coleman
Alsup	Colquitt
Anderson	Corry
Baker	Crossley
of Fort Bend	Daniel
Baker of Grayson	Dean
Bell	Derden
Boethel	Dickison
Bond	Donaghey
Boyer	Dowell
Bradford	Dwyer
Bray	Felty
Bridgers	Ferguson
Broadfoot	Fielden
Bundy	Galbreath
Burkett	Goodman
Burney	Hamilton
Celaya	Hardeman
Chambers	Hardin
Cleveland	Harper
Cockrell	Harrell of Bastrop

Harrell of Lamar	Pope
Harris	Ragsdale
Hartzog	Reader of Bexar
Heflin	Reader of Erath
Howard	Reed
Hull	Rhodes
Isaacks	Roach
Johnson of Ellis	Roberts
Johnson of Tarrant	Robinson
Kersey	Russell
Kinard	Schuenemann
Lehman	Segrist
Leonard	Shell
Leyendecker	Skiles
Little	Smith of Hopkins
Loggins	Smith
Mays	of Matagorda
McAlister	Stinson
McDaniel	Taylor
McDonald	Thornton
McFarland	Turner
McMurry	Vale
McNamara	Voigt
Monkhouse	Waggoner
Montgomery	Wilson
Nicholson	Winfree
Pace	Wright
Pevehouse	

Nays—46

Allen	Kerr
Bailey	King
Boyd	Langdon
Bradbury	Lock
Brown of Cherokee	London
Brown	Mohrmann
of Nacogdoches	Morris
Colson, Mrs.	Newell
Cornett	Oliver
Davis of Jasper	Petsch
Davis of Upshur	Smith of Frio
Dickson	Spencer
Faulkner	Stoll
Fuchs	Talbert
Gilmer	Tarwater
Gordon, Mrs.	Tennant
Hale	Thornberry
Harp	Vint
Holland	Weldon
Howington	Wells
Hunt	Westbrook
Keith	White
Kennedy	Wood
Kern	

Absent

Blankenship	Piner
Cauthorn	Reaves
Clark	Worley

Absent—Excused

Hankamer	Riviere
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Question then recurring on the amendment by Mr. Derden, it was adopted.

Mr. Baker of Fort Bend offered the following amendment to the amendment:

Amend amendment to House Bill No. 340, by striking out all of Article 4, page 5, and inserting in lieu thereof, the following:

Article IV

"Section 1. That Section 40A of Article 7047, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1931, Forty-second Legislature, Regular Session, page 355, Chapter 212, Section 1, as amended by Acts, 1936, Forty-fourth Legislature, Third Called Session, page 2040, Chapter 495, Article 4, Section 6, be, and the same is hereby amended so as to read, as follows:

"40A. Sulphur producers: Each person, firm, association or corporation who owns, controls, manages, leases or operates any sulphur mine, or mines, wells, or shafts, or who produces sulphur by any method, system or manner within this State shall make quarterly on the first day of January, April, July and October of each year a report to the Comptroller in this State, or if such person be other than individual, sworn to by its president, secretary or other duly authorized officer, on such forms as the Comptroller shall prescribe, showing the total amount of sulphur produced within this State by said person during the quarter next preceding; and at the time of making said report shall pay to the Treasurer of this State an occupation tax for the quarter ending on said date an amount equal to One Dollar and Twenty-five Cents (\$1.25) per long ton, or fraction thereof, of all sulphur produced by said person within the State of Texas during said quarter. Should any person subject to the occupation tax levied begin business after the beginning of a quarter, the amount of tax which such person or concern shall pay for the first quarter immediately succeeding the total number of tons produced within the last quarter, dividing the same by the number of days such person was engaged in the business during said preceding quarter and multiplying the quotient by ninety, and multiplying the product by One Dollar and Twenty-five Cents (\$1.25). Said tax shall be in lieu of the tax imposed by House Bill No. 251, Chapter 212, page 355, Section 1, Acts of the Regular Session of the

Forty-second Legislature, as amended by Acts, 1936, Forty-fourth Legislature, Third Called Session, page 2040, Chapter 495, Article 4, Section 6, but said tax shall be paid in the same manner, subject to the same penalties, and under the same conditions as provided in said Act, except that said funds shall be allocated as hereinafter provided."

BAKER of Fort Bend,
SMITH of Matagorda.

Mr. Bradbury moved the previous question, on the pending amendments, and the engrossment of House Bill No. 340, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The roll of the House was called, and the vote announced, as follows: Yeas, 73; Nays, 66.

A verification of the vote was requested.

Mr. Bray moved a call of the House, pending the verification, and the call was duly ordered.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted, as follows:

Yeas—77

Allen	Harp
Alsup	Harrell of Lamar
Baker	Heflin
of Fort Bend	Holland
Baker of Grayson	Howington
Blankenship	Hunt
Boyd	Johnson of Ellis
Bradbury	Keith
Bridgers	Kennedy
Brown of Cherokee	Kern
Burkett	Kerr
Burney	King
Cauthorn	Langdon
Celaya	Leyendecker
Chambers	Little
Clark	Lock
Cleveland	Mays
Cockrell	McDaniel
Coleman	McDonald
Colson, Mrs.	McNamara
Cornett	Mohrmann
Daniel	Monkhouse
Dickson	Morris
Dwyer	Newell
Ferguson	Oliver
Fielden	Petsch
Fuchs	Pevehouse
Hale	Piner
Hamilton	Ragsdale

Reader of Erath
Roach
Roberts
Russell
Skiles
Smith of Frio
Spencer
Stinson
Stoll
Talbert

Tarwater
Thornberry
Turner
Vint
Weldon
Wells
Westbrook
White
Wilson
Wright

Nays—64

Allison	Hull
Anderson	Isaacks
Bailey	Johnson of Tarrant
Boethel	Kersey
Bond	Kinard
Boyer	Lehman
Bradford	Loggins
Bray	McAlister
Broadfoot	McFarland
Brown	McMurry
of Nacogdoches	Montgomery
Bundy	Nicholson
Colquitt	Pace
Corry	Pope
Crossley	Reader of Bexar
Davis of Jasper	Reaves
Davis of Upshur	Reed
Dean	Rhodes
Derden	Robinson
Dickison	Schuenemann
Donaghey	Segrist
Dowell	Shell
Faulkner	Smith of Hopkins
Felty	Smith
Galbreath	of Matagorda
Gilmer	Taylor
Goodman	Tennant
Gordon, Mrs.	Thornton
Hardin	Vale
Harrell of Bastrop	Voigt
Harris	Waggoner
Hartzog	Winfree
Howard	Wood

Absent

Bell	Leonard
Hardeman	London
Harper	Worley

Absent—Excused

Hankamer	Riviere
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The Speaker announced that the motion for the main question prevailed.

Question recurring on the amendment by Mr. Baker of Fort Bend, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—77

Allison	Hull
Alsup	Johnson of Ellis
Anderson	Johnson of Tarrant
Baker	King
of Fort Bend	Leonard
Bell	Leyendecker
Blankenship	Little
Boyer	Loggins
Bradford	McAlister
Bundy	McDonald
Burkett	McFarland
Cauthorn	McMurry
Celaya	McNamara
Clark	Monkhouse
Cleveland	Montgomery
Cockrell	Nicholson
Coleman	Ragsdale
Colquitt	Reader of Bexar
Colson, Mrs.	Reed
Corry	Rhodes
Crossley	Riviere
Dean	Roberts
Dickson	Robinson
Donaghey	Schuenemann
Dwyer	Segrist
Felty	Shell
Fielden	Smith of Frio
Fuchs	Smith
Galbreath	of Matagorda
Gilmer	Stinson
Goodman	Taylor
Gordon, Mrs.	Thornberry
Hamilton	Thornton
Hankamer	Vale
Hardin	Waggoner
Harper	Wilson
Harris	Winfree
Hartzog	Wood
Heflin	Worley
Howard	

Nays—62

Allen	Derden
Bailey	Dowell
Baker of Grayson	Faulkner
Boethel	Ferguson
Bond	Hale
Boyd	Harp
Bradbury	Harrell of Bastrop
Bray	Harrell of Lamar
Bridgers	Howington
Broadfoot	Hunt
Brown of Cherokee	Isaacks
Brown	Keith
of Nacogdoches	Kennedy
Burney	Kern
Cornett	Kerr
Davis of Jasper	Kersey
Davis of Upshur	Lehman

Lock	Smith of Hopkins
Mays	Spencer
McDaniel	Stoll
Mohrmann	Talbert
Morris	Tarwater
Newell	Tennant
Oliver	Turner
Pace	Vint
Petsch	Voigt
Piner	Weldon
Reader of Erath	Wells
Reaves	Westbrook
Roach	White
Russell	Wright
Skiles	

Absent

Chambers	Kinard
Daniel	Langdon
Dickison	London
Hardeman	Pevehouse
Holland	Pope

Question then recurring on the amendment by Mr. Keith, as amended, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 340 was then passed to engrossment.

HOUSE BILL NO. 340 ON THIRD READING

Mr. Keith moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 340 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—119

Allen	Burkett
Allison	Burney
Alsup	Cauthorn
Bailey	Celaya
Baker	Chambers
of Fort Bend	Cleveland
Bell	Cockrell
Blankenship	Coleman
Boethel	Colson, Mrs.
Bond	Cornett
Boyd	Crossley
Boyer	Daniel
Bradbury	Davis of Jasper
Bridgers	Davis of Upshur
Broadfoot	Derden
Brown of Cherokee	Dickison
Brown	Dickson
of Nacogdoches	Dowell

Dwyer	McMurry
Faulkner	McNamara
Felty	Mohrmann
Ferguson	Montgomery
Fielden	Morris
Fuchs	Newell
Gilmer	Oliver
Gordon, Mrs.	Pace
Hale	Petsch
Hamilton	Pevehouse
Hardeman	Piner
Hardin	Ragsdale
Harp	Reader of Bexar
Harper	Reader of Erath
Harrell of Bastrop	Reaves
Harrell of Lamar	Rhodes
Harris	Roach
Heflin	Roberts
Holland	Robinson
Howard	Russell
Howington	Skiles
Hull	Smith of Frio
Hunt	Smith of Hopkins
Isaacks	Smith
Johnson of Ellis	of Matagorda
Keith	Spencer
Kennedy	Stinson
Kern	Stoll
Kerr	Talbert
Kersey	Tarwater
King	Thornberry
Langdon	Turner
Lehman	Vale
Leonard	Vint
Leyendecker	Waggoner
Little	Weldon
Lock	Wells
Loggins	Westbrook
London	White
Mays	Wilson
McDaniel	Winfree
McDonald	Worley
McFarland	Wright

Nays—26

Anderson	Kinard
Bradford	McAlister
Bray	Monkhouse
Bundy	Nicholson
Colquitt	Reed
Corry	Schuenemann
Dean	Segrist
Donaghey	Shell
Galbreath	Taylor
Goodman	Tennant
Hankamer	Thornton
Hartzog	Voigt
Johnson of Tarrant	Wood

Absent

Baker of Grayson	Pope
Clark	

Absent—Excused

Riviere

The Speaker then laid House Bill No. 340 before the House on third reading and final passage.

The bill was read third time.

Mr. Bond offered the following amendment to the bill:

Amend House Bill No. 340, Article I, by striking out all of said Article I, and inserting in lieu thereof, the following:

"Article I.

Sec. 26. That Section 21, Article I, Chapter 467, Acts of the Forty-fourth Legislature, Second Called Session, as amended by Section 3, Article III, Chapter 495, Acts of the Forty-fourth Legislature, Third Called Session, and Section 26, Article I, Chapter 448, Acts of the Forty-fifth Legislature, Regular Session, be and it is hereby amended to read as follows:

"Sec. 21. There is hereby levied and imposed on the first sale in addition to the other fees and taxes levied by this Act the following:

"(a) A tax of One Dollar and Fifteen Cents (\$1.15) per gallon on each gallon of distilled spirits, provided the minimum tax on any package of distilled spirits shall be Six (6) Cents.

"(b) A tax of Twelve (12) Cents on each gallon of vinous liquor that does not contain over fourteen (14) per cent of alcohol by volume.

"(c) A tax of Twenty-four (24) Cents on each gallon of vinous liquor containing more than fourteen (14) per cent and not more than twenty-four (24) per cent of alcohol by volume.

"(d) A tax of Thirty (30) Cents on each gallon of artificially carbonated and natural sparkling vinous liquor.

"(e) A tax of Sixty (60) Cents on each gallon of vinous liquor containing alcohol in excess of twenty-four (24) per cent by volume.

"(f) A tax of Eighteen (18) Cents on each gallon of malt liquor containing alcohol in excess of four (4) per cent by weight.

"The term 'first sale' as used in Article I of this Act shall mean and include the first sale, possession, distribution, or use in this State of any and all liquor refined, blended, manu-

factured, imported into, or in any other manner produced or acquired, possessed, or brought into this State.

"The tax herein levied shall be paid by affixing a stamp or stamps on each bottle or container of liquor. Said stamps shall be affixed in strict accordance with any rule or regulation promulgated in pursuance of this Act; provided however, any holder of a permit as a retail dealer as that term is defined herein shall be held liable for any tax due on any liquor sold on which the tax has not been paid.

"It shall be the duty of each person who makes a first sale of any liquor in this State to affix said stamps on each bottle or container of liquor and to cancel the same in accordance with any rule and regulation of the Board. The Board shall have power to relax the foregoing provision when in its judgment it would be impracticable to require the affixing of such stamp on the bottle or container. In the case of wines, the stamp shall be affixed to every container intended to be sold as an unbroken package to the ultimate customer. And no wine shall be sold for consumption on the premises of a person holding a Wine and Beer Retailer's Permit except from a container having the State tax stamp affixed thereto. And any person, persons or association who violates any portion of this Section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars or by imprisonment in the county jail for not less than thirty (30) days nor more than one (1) year. Every holder of a permit authorizing the wholesaling of liquor, upon receipt of a shipment of liquor for sale within this State, under the provisions of this Act, shall prepare and furnish such information and such reports as may be required by rules and regulations of the Board. Any person authorized to export liquor from this State having in his possession any liquor intended for shipment to any place without the State, shall keep such liquors in a separate compartment from that of liquors intended for sale within the State so that the same may be easily inspected and shall attach to each such package of liquor so intended for shipment with-

out the State a stamp of the kind and character that shall be required by proper rule or regulation denoting that the same is not intended for sale within the State. When such liquors are so kept and so stamped no tax on account thereof shall be charged. For defraying the expenses thereof, a charge of Twenty-five (25) Cents shall be made for every such stamp, except that a charge of Ten (10) Cents shall be made for each such stamp placed on vinous or malt liquors of twenty-four (24) per cent alcoholic content or less. All such permittees authorized to transport liquor beyond the boundaries of this State shall furnish to the Board duplicate copies of all invoices for the sale of such liquors within twenty-four (24) hours after such liquors have been removed from their place of business."

BOND,
ALLISON,
COLEMAN,
SMITH of Matagorda.

Mr. Kerr moved the previous question, on the pending amendment, and the final passage of House Bill No. 340, and the motion was duly seconded.

Question recurring on the motion for the previous question, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—78

Allen	Dickson
Alsup	Donaghey
Bailey	Dowell
Baker	Dwyer
of Fort Bend	Ferguson
Baker of Grayson	Fuchs
Bell	Gordon, Mrs.
Blankenship	Hale
Boyd	Hamilton
Bradbury	Harp
Bridgers	Harper
Brown of Cherokee	Heflin
Burkett	Howington
Burney	Isaacks
Cauthorn	Johnson of Ellis
Clark	Johnson of Tarrant
Cleveland	Keith
Coleman	Kern
Colson, Mrs.	Kerr
Cornett	King
Crossley	Langdon
Derden	Lehman
Dickison	Leyendecker

Little	Robinson
Lock	Skiles
London	Spencer
Mays	Stinson
McDaniel	Stoll
McDonald	Talbert
McMurry	Tarwater
McNamara	Thornberry
Mohrmann	Vint
Monkhouse	Waggoner
Morris	Wells
Petsch	White
Pevehouse	Wilson
Piner	Winfree
Reader of Bexar	Worley
Reader of Erath	Wright
Roach	

Nays—55

Allison	Kinard
Anderson	Loggins
Boethel	McAlister
Bond	McFarland
Boyer	Montgomery
Bradford	Newell
Bray	Nicholson
Broadfoot	Oliver
Brown	Pace
of Nacogdoches	Reaves
Celaya	Reed
Chambers	Rhodes
Cockrell	Roberts
Corry	Russell
Daniel	Schuenemann
Davis of Jasper	Segrist
Davis of Upshur	Shell
Dean	Smith of Frio
Faulkner	Smith
Galbreath	of Matagorda
Goodman	Taylor
Harrell of Bastrop	Tennant
Harrell of Lamar	Thornton
Harris	Turner
Hartzog	Voigt
Howard	Weldon
Hull	Westbrook
Hunt	Wood
Kennedy	

Absent

Bundy	Holland
Colquitt	Kersey
Felty	Leonard
Fielden	Pope
Gilmer	Ragsdale
Hardeman	Smith of Hopkins
Hardin	Vale

Absent—Excused

Hankamer	Riviere
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Mr. Baker of Grayson moved to reconsider the vote by which the main question was ordered.

Mr. Bell moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—81

Alsup	Kersey
Baker	King
of Fort Bend	Langdon
Bell	Lehman
Blankenship	Leyendecker
Boethel	Little
Bond	Lock
Boyd	Loggins
Bradbury	London
Bradford	Mays
Bray	McDaniel
Bridgers	McMurry
Brown of Cherokee	McNamara
Burney	Mohrmann
Cauthorn	Monkhouse
Cleveland	Montgomery
Coleman	Morris
Colson, Mrs.	Petsch
Crossley	Pevehouse
Derden	Piner
Dickison	Ragsdale
Dickson	Reader of Bexar
Donaghey	Reader of Erath
Dowell	Roach
Dwyer	Robinson
Fuchs	Russell
Gilmer	Schuenemann
Gordon, Mrs.	Shell
Hale	Skiles
Hamilton	Stinson
Hardeman	Stoll
Harper	Talbert
Hartzog	Tarwater
Heflin	Thornberry
Holland	Vale
Howard	Vint
Hunt	Waggoner
Isaacks	Wells
Johnson of Tarrant	White
Keith	Wilson
Kerr	Worley

Nays—59

Allen	Chambers
Allison	Clark
Bailey	Cockrell
Baker of Grayson	Colquitt
Boyer	Cornett
Broadfoot	Corry
Brown	Daniel
of Nacogdoches	Davis of Jasper
Bundy	Davis of Upshur
Burkett	Dean
Celaya	Faulkner

Ferguson	Reaves
Galbreath	Reed
Goodman	Rhodes
Hardin	Roberts
Harp	Segrist
Harrell of Lamar	Smith of Frio
Harris	Smith of Hopkins
Howington	Smith
Hull	of Matagorda
Johnson of Ellis	Spencer
Kennedy	Taylor
Kern	Tennant
Kinard	Thornton
McAlister	Turner
McFarland	Voigt
Newell	Weldon
Nicholson	Westbrook
Oliver	Winfree
Pace	Wood
Pope	

Absent

Anderson	Leonard
Felty	McDonald
Fielden	Wright
Harrell of Bastrop	

Absent—Excused

Hankamer	Riviere
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Question recurring on the amendment by Mr. Bond, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—27

Allison	Harrell of Lamar
Baker of Grayson	Howard
Bond	Kennedy
Broadfoot	Kersey
Burkett	McAlister
Coleman	McMurry
Corry	Pace
Crossley	Schuenemann
Daniel	Smith of Hopkins
Davis of Upshur	Smith
Ferguson	of Matagorda
Galbreath	Spencer
Goodman	Taylor
Harp	Worley

Nays—107

Allen	Bradbury
Alsup	Bradford
Anderson	Bray
Bailey	Bridgers
Bell	Brown of Cherokee
Blankenship	Brown
Boethel	of Nacogdoches
Boyd	Bundy
Boyer	Burney

Cauthorn	McFarland
Celaya	McNamara
Chambers	Mohrmann
Clark	Monkhouse
Cleveland	Montgomery
Cockrell	Morris
Colquitt	Newell
Cornett	Nicholson
Davis of Jasper	Oliver
Dean	Petsch
Derden	Pevehouse
Dickison	Piner
Dickson	Pope
Donaghey	Reader of Bexar
Dowell	Reader of Erath
Dwyer	Reaves
Faulkner	Reed
Fielden	Rhodes
Fuchs	Roach
Gilmer	Roberts
Gordon, Mrs.	Robinson
Hamilton	Russell
Hardeman	Segrist
Harper	Shell
Harris	Skiles
Hartzog	Smith of Frio
Heflin	Stinson
Howington	Stoll
Hunt	Tarwater
Isaacks	Tennant
Johnson of Tarrant	Thornberry
Keith	Thornton
Kern	Turner
Kerr	Vale
Kinard	Vint
King	Voigt
Langdon	Waggoner
Lehman	Weldon
Leyendecker	Wells
Little	Westbrook
Lock	White
Loggins	Wilson
London	Winfree
Mays	Wood
McDaniel	Wright

Present—Not Voting

McDonald

Absent

Baker	Holland
of Fort Bend	Hull
Colson, Mrs.	Johnson of Ellis
Felty	Leonard
Hale	Ragsdale
Hardin	Talbert
Harrell of Bastrop	

Absent—Excused

Hankamer	Riviere
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House Bill No. 340 was then passed by the following vote:

Yeas—116

Allen	Isaacks
Allison	Johnson of Ellis
Alsup	Keith
Bailey	Kennedy
Baker	Kern
of Fort Bend	Kerr
Baker of Grayson	Kersey
Bell	King
Boethel	Langdon
Bond	Lehman
Boyd	Leonard
Boyer	Leyendecker
Bradbury	Little
Bridgers	Lock
Broadfoot	Loggins
Brown of Cherokee	London
Brown	Mays
of Nacogdoches	McDaniel
Burkett	McDonald
Burney	McMurry
Cauthorn	McNamara
Chambers	Mohrmann
Cleveland	Monkhouse
Cockrell	Montgomery
Coleman	Morris
Colson, Mrs.	Newell
Cornett	Oliver
Crossley	Pace
Daniel	Pevehouse
Davis of Jasper	Piner
Derden	Reader of Erath
Dickison	Reaves
Dickson	Rhodes
Dowell	Riviere
Dwyer	Roach
Faulkner	Roberts
Felty	Robinson
Ferguson	Russell
Fielden	Schuenemann
Fuchs	Skiles
Gilmer	Smith of Frio
Gordon, Mrs.	Smith of Hopkins
Hale	Spencer
Hamilton	Stinson
Hardeman	Stoll
Hardin	Talbert
Harp	Tarwater
Harper	Thornberry
Harrell of Bastrop	Turner
Harrell of Lamar	Vale
Harris	Vint
Heflin	Voigt
Holland	Waggoner
Howard	Weldon
Howington	Wells
Hull	Westbrook
Hunt	White

Wilson
Winfree

Worley
Wright

Nays—28

Anderson	McAlister
Blankenship	McFarland
Bradford	Nicholson
Bray	Petsch
Bundy	Reader of Bexar
Clark	Reed
Colquitt	Segrist
Corry	Shell
Dean	Smith
Donaghey	of Matagorda
Galbreath	Taylor
Goodman	Tennant
Hartzog	Thornton
Johnson of Tarrant	Wood
Kinard	

Absent

Celaya	Pope
Davis of Upshur	Ragsdale

Absent—Excused

Hankamer

Mr. Keith moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

I gladly record my vote for House Bill No. 340 with the hope that the Texas Senate majority will re-consider their vote for Senate Resolution No. 86 which was an assumption of autocratic power in condemning "the paying of money out of the public treasury by statutory enactment, etc." The Constitution of Texas, written by our forefathers, says "All bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills." May we raise the old-time battle cry, "God save the Texas House of Representatives?" Let us by this vote hope the old people, the dependent blind, etc., will not be handed a Constitutional gold brick like that given our honored Confederate Veterans. A fund now millions in the red. Let us serve our State and humanity and not mammon.

DOWELL.

HOUSE BILL NO. 995 WITH SENATE AMENDMENTS

Mr. Talbert called up from the Speaker's table, with Senate amend-

ments, for consideration of the amendments,

H. B. No. 995, A bill to be entitled "An Act providing that it shall be unlawful to kill quail in counties of a certain population except on certain days; providing the number of quail that can be killed in one day, and providing a penalty for violation of this Act."

On motion of Mr. Talbert, the House concurred in the Senate amendments.

HOUSE BILL NO. 1018 WITH SENATE AMENDMENTS

Mr. Wood called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 1018, A bill to be entitled "An Act regulating the use of boats upon the waters of Caddo Lake; prescribing who shall enforce the law; prescribing the penalty for violation of said law, and declaring an emergency."

Mr. Wood moved that the House do not concur in the Senate amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following Conference Committee: Messrs. Wood, Tennant, Harper, Bray and Alsup.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 118

Mr. Brown of Cherokee submitted the following Conference Committee Report on Senate Bill No. 118:

Austin, Texas, May 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on Senate Bill No. 118, beg leave to submit the following report and recommend that it do pass in the form hereto attached.

Respectfully submitted,
AIKIN,

REDDITT,
SMALL,
COTTEN,

On the part of the Senate.

BROWN of Cherokee,
CHAMBERS,
LOCK,
THORNTON,
HANKAMER,

On the part of the House.

S. B. No. 118

A BILL

To Be Entitled

An Act amending Article 7043 of the Revised Civil Statutes of the State of Texas, as amended, Acts, 1931, Forty-second Legislature, Second Called Session, page 53, Chapter 32, paragraph No. 1, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Article 7043 of the Revised Civil Statutes of the State of Texas, as amended Acts 1931, Forty-second Legislature, Second Called Session, page 53, Chapter 32, No. 1, be and the same is hereby amended so as to hereafter read, as follows:

Article 7043. (7351) Within five days after the Comptroller has received such certified statements from every Assessor within this State, said Board shall meet for the purpose of calculating the ad valorem rate of taxes to be collected for the State and public free school purposes. In calculating said rates the Board shall calculate the same by the following rules and upon the following basis: they shall find, by adding together all the property subject to taxation in all counties as shown by the certified statements returned by the Assessors, the total valuation of all property within this State subject to ad valorem taxes. They shall find, by adding together the sums appropriated by the Legislature, which will or which may become due by the State, during the following fiscal year, the amount fixed by the Board of Education for public free school purposes, as the State apportionment, the total sum of which will or which may become due by the State, during the following fiscal year. They shall find, by adding all sums paid into the State Treasury as delinquent ad valorem taxes and interest and penalties

thereon during the first half of the current calendar year and latter half of the preceding calendar year and all sums which may be expected to be paid as taxes for State purposes from all sources other than ad valorem taxes, the total sum expected to be collected from all said sources. They shall find, by subtracting from the total sum which will or which may become due by the State during the succeeding fiscal year, the total sum which may be expected to be paid as taxes for State purposes from all sources other than current ad valorem taxes, the total sum for State purposes which must be collected by current ad valorem taxes. They shall add to such remainder twenty (20%) per cent of said remainder. They shall divide the total sum for State purposes which must be collected by ad valorem taxes added to twenty (20%) per cent of such total sum by the quotient of the total valuation of all property within this State divided by one hundred (100). The quotient shall be the number of cents on the One Hundred (\$100.00) Dollars valuation to be collected for the current year for State purposes; provided that said quotient shall not be run to more than three decimals. The rate for State purposes shall never exceed the rate fixed by law on the One Hundred (\$100.00) Dollars valuation of property. In calculating the rate to be collected for public free school purposes, said Board shall take into consideration the number of children in the State within the scholastic age, to be determined from the most recent official school census; in arriving at the rate that shall be fixed for public free school purposes, said Board shall set the rate so that it will yield the amount per student that has been previously fixed by the Board of Education, provided the rate so fixed for any year shall not exceed the rate fixed by law. Provided that no rate for school purposes shall be set by said Board in excess of a rate required to produce sufficient funds when added to other available school funds would produce a total available school fund for an apportionment in excess of Twenty-two and 50/100 (\$22.50) Dollars it being the intention of the Legislature that the State Board of Education shall have the authority to fix the apportionment at not exceeding Twenty-two and 50/100 (\$22.50) Dollars, and when so fixed,

the State Tax Board shall fix a rate for school purposes, the maximum rate authorized by the Constitution if necessary, to produce revenue when added to other available school revenue, shall be a sufficient amount to meet the apportionment, which shall not be in excess of Twenty-two and 50/100 (\$22.50) Dollars, and it is specifically provided that the rate shall never be greater than necessary to supplement other available school funds to guarantee an apportionment of not exceeding Twenty-two and 50/100 (\$22.50) Dollars per year.

Sec. 2. The fact that confusion has arisen as to the duties of the Automatic Tax Board of the State of Texas and the duties of the Board of Education, and the further fact that on account of such confusion various public schools of Texas have been unable to run for the minimum of six (6) months, as required by the Constitution of Texas, creates an emergency and an imperative public necessity that the Constitutional Rule, requiring bills to be read on three several days in each House, be suspended and said Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Brown of Cherokee the Report was adopted by the following vote:

Yeas—137

Allen	Cauthorn
Allison	Celaya
Alsup	Chambers
Anderson	Clark
Bailey	Cleveland
Baker	Cockrell
of Fort Bend	Coleman
Baker of Grayson	Colquitt
Bell	Colson, Mrs.
Blankenship	Cornett
Boethel	Corry
Bond	Daniel
Boyd	Davis of Jasper
Boyer	Davis of Upshur
Bradbury	Dean
Bradford	Derden
Bray	Dickison
Bridgers	Dickson
Broadfoot	Donaghey
Brown of Cherokee	Dowell
Brown	Dwyer
of Nacogdoches	Faulkner
Bundy	Ferguson
Burkett	Fielden
Burney	Fuchs

Galbreath	Pace
Gilmer	Petsch
Gordon, Mrs.	Pevehouse
Hale	Piner
Hamilton	Pope
Hardeman	Ragsdale
Hardin	Reader of Bexar
Harper	Reader of Erath
Harrell of Bastrop	Reaves
Harrell of Lamar	Reed
Harris	Rhodes
Hartzog	Roach
Heflin	Roberts
Holland	Robinson
Howard	Russell
Howington	Segrist
Hunt	Shell
Isaacks	Skiles
Johnson of Tarrant	Smith of Frio
Keith	Smith of Hopkins
Kennedy	Smith
Kern	of Matagorda
Kerr	Spencer
Kersey	Stinson
King	Stoll
Langdon	Talbert
Lehman	Tarwater
Leyendecker	Taylor
Little	Tennant
Lock	Thornberry
Loggins	Thornton
London	Turner
Mays	Vale
McAlister	Vint
McDaniel	Voigt
McDonald	Waggoner
McFarland	Weldon
McMurry	Wells
McNamara	Westbrook
Mohrmann	White
Monkhouse	Wilson
Montgomery	Winfree
Morris	Wood
Nicholson	Worley
Oliver	Wright

Absent

Crossley	Johnson of Ellis
Felty	Kinard
Goodman	Leonard
Harp	Newell
Hull	Schuenemann

Absent—Excused

Hankamer	Riviere
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ADOPTION OF CONFERENCE
COMMITTEE REPORT ON
SENATE BILL
NO. 36

Mr. Alsup submitted the following
Conference Committee Report on Sen-
ate Bill No. 36:

Austin, Texas, May 22, 1939.

Hon. Coke Stevenson, President of the
Senate.

Hon. Emmett Morse, Speaker of the
House of Representatives.

Sirs: We, your Conference Com-
mittee, appointed to adjust the dif-
ferences between the Senate and the
House on Senate Bill No. 36, have
had the same under consideration and
recommend that the bill do pass in
the form hereto attached.

Respectfully submitted,

ROBERTS,
SHIVERS,
NELSON,
VAN ZANDT,
MARTIN,

On the part of the Senate.

ALSUP,

BELL,

BROWN of Cherokee,

HARDIN,

BUNDY,

On the part of the House.

S. B. No. 36

A BILL

To Be Entitled

An Act creating a State Department
of Public Welfare for the State of
Texas; prescribing its rights, pow-
ers, functions, and duties; creating
and providing for a State Board of
Public Welfare; prescribing its
rights, powers and duties; defining
certain terms; providing for the
administration of this Act, provid-
ing for payment of Old Age As-
sistance; providing for assistance to
needy blind persons, dependent and
destitute children, and persons or
families who are in dependent and
needy circumstances; accepting for
the State of Texas all of the pro-
visions of the Federal Social Se-
curity Act, enacted by the Congress
of the United States and approved
March 14, 1935; transferring all
the rights, powers and duties of
the Division of Child Welfare of the
State Board of Control to the State
Department of Public Welfare, and
abolishing the Division of Child
Welfare of the State Board of Con-
trol; transferring all the rights,
powers and duties of the Texas Re-
lief Commission to the State De-
partment of Public Welfare and
abolishing the Texas Relief Com-
mission; transferring all the rights,
powers, and duties of the Texas Old

Age Assistance Commission to the State Department of Public Welfare; and abolishing the Texas Old Age Assistance Commission; providing for the transfer of the staffs, records and physical properties of the Division of Child Welfare of the Board of Control, the Texas Relief Commission, and the Texas Old Age Assistance Commission to the State Department of Public Welfare; designating the State Department of Public Welfare as the State agency to cooperate with the Federal Government in the administration of the provisions Title I, Title IV, Part 3 of Title V, and Title X, of the Federal Social Security Act, and other titles; designating the State Department of Public Welfare as the State agency to cooperate with the Children's Bureau of the United States Department of Labor in certain matters; designating the State Department of Public Welfare as the State agency to cooperate with the Federal Government in the administration and distribution of Federal surplus commodities and other Federal resources; providing for the transfer of certain funds to the credit of the State Department of Public Welfare; creating certain funds in the State Treasury; making appropriations; providing penalties for violation of provisions of this Act; providing a saving clause; providing the effective date of this Act; providing schedule for proration of funds; repealing House Bill No. 7, Chapter 435, Acts of the Regular Session of the Forty-fifth Legislature, and all other Acts, laws or parts thereof in conflict with this Act, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. As used in this Act:

a. The term "State Board" means the State Board of Public Welfare.

b. The term "State Department" means the State Department of Public Welfare.

c. The term "Executive Director" means Executive Director of the State Department of Public Welfare.

d. The term "Public Welfare" means and includes all forms of public assistance and specific services provided for in this Act.

e. The term "Dependent Child" means a needy child under the age of

fourteen (14) years, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent; and whose relatives liable under the law for his support are not able to provide adequate care or support for such child without public assistance, and who is living with his father, adoptive father, mother, adoptive mother, grandfather, grandfather-in-law, great-grandfather, grandmother, grandmother-in-law, great-grandmother, step-father, step-mother (but not their parents), brother, brother of the half-blood, brother-in-law, adoptive brother, sister, sister of the half-blood, sister-in-law, adoptive sister, step-brother, step-sister, uncle and aunt of the whole or half-blood, uncle-in-law, aunt-in-law, great-uncle, or great-aunt in a place maintained by one or more of such relatives as his or her home.

f. The term "Child Welfare Services" mean services for children provided for in this Act.

Sec. 2. a. There is hereby created a State Department of Public Welfare which shall consist of a State Board of Public Welfare, an Executive Director, and such other officers and employees as may be required to efficiently carry out the purposes of this Act. The State Board of Public Welfare shall be composed of three (3) members to be appointed by the Governor of the State of Texas with the advice and consent of the Senate on the basis of demonstrated interest in, and knowledge of, public welfare and who have had experience as an executive or administrator in an enterprise of comparable size; the term of one member to expire January 20, 1941, the term of one member to expire January 20, 1943, and the term of one member to expire January 20, 1945. The Governor shall designate which appointee he desires to fill each term and shall make such appointment immediately after the effective date of this Act. Vacancies shall be filled for any unexpired term by appointment by the Governor with the advice and consent of the Senate. On January 20, 1941, and biennially thereafter, one member of said Board shall be appointed for a full term of six (6) years, and each member of said Board shall hold office until his successor has been appointed and has qualified by taking the oath of office

and giving bond as hereinafter prescribed. The State Board of Public Welfare shall have its office in Austin, Texas, in such building as shall be designated and approved by the State Board of Control.

b. The members of the State Board of Public Welfare shall be public officers and as such shall take the oath of office required by the Constitution of Texas, and each member shall give bond in form prescribed by the Attorney General in the sum of Thirty Thousand Dollars (\$30,000) payable to and to be approved by the Governor and conditioned for the faithful performance of his duties. The premium on such bonds shall be paid out of the funds appropriated for operating expenses of the State Department and any recovery on such bonds shall inure to the benefit of such funds maintained by the State Treasury for the benefit of the State Department of Public Welfare as hereinafter are designated and created.

c. At the first meeting of the members of said Board, after their appointment, and biennially thereafter upon the appointment of a new member thereof, one of the members thereof shall be elected Chairman to preside over all meetings of such Board, and two (2) members thereof shall constitute a quorum for the transaction of business.

d. The members of the State Board of Public Welfare shall receive their actual expenses while engaged in the performance of their duties and a per diem of Ten Dollars (\$10) per day for not exceeding sixty (60) days for any fiscal year.

Sec. 3. a. The Board shall select and appoint, with the advise and consent of two-thirds of the membership of the Senate, an Executive Director of the Department of Public Welfare, who shall be the executive and administrative officer of the State Department and shall discharge all administrative and executive functions of the State Department. Such person so selected and appointed shall be not less than thirty-five (35) years of age at the date of his appointment, and shall have been a resident citizen of the State of Texas for at least ten (10) years preceding the date of his appointment, and shall not have been an occupant of any elective State office at the time of his appointment, nor have occupied any elective State

office during the six (6) months next preceding the date of his said appointment. He shall be a person of demonstrated executive ability and extensive experience in public welfare administration, and shall have had experience as an executive or administrator in an enterprise of comparable size. He shall serve at the pleasure of the Board and shall be paid an annual salary of not to exceed Five Thousand Dollars (\$5,000) payable in equal monthly installments.

b. The Board shall be responsible for the adoption of all policies, rules, and regulations for the government of the State Department of Public Welfare.

c. The Board, its agents, representatives and employees shall constitute the State Department of Public Welfare and whenever, by any of the provisions of this Act, or of any other act, any right, power or duty is imposed or conferred on the State Department of Public Welfare, the right, power or duty so imposed or conferred shall be possessed and exercised by the Executive Director unless any such right, power or duty is specifically delegated to the duly appointed agents or employees of such department, or any of them by this Act or by an appropriate rule, regulation or order of the State Board.

Sec. 4. The Executive Director shall be the executive and administrative officer of the State Department. The Executive Director, with the consent and approval of a majority of the members of the Board shall:

a. Classify all positions in the administration of this Act;

b. Fix objective standards for all positions included in the classifications;

c. Formulate salary schedules for the services so classified, subject to biennial appropriations;

d. Provide for a fair and impartial selection, appointment, retention and promotion of personnel in accordance with the classification and compensation plans therein before provided.

Sec. 5. The State Department shall be charged with the administration of the welfare activities of the State as hereinafter provided. The State Department shall:

a. Administer aid to needy dependent children, assistance to needy blind, and administer or supervise general relief;

b. Administer or supervise all child welfare service, except as otherwise provided for;

c. Administer assistance to the needy aged;

d. Cooperate with the Federal Social Security Board, created under Title 7 of the Social Security Act enacted by the Seventy-fourth Congress and approved August 14, 1935, and any amendments thereto, and with any other agency of the Federal Government in any reasonable manner which may be necessary to qualify for Federal Aid for assistance to persons who are entitled to assistance under the provisions of that Act, and in conformity with the provisions of this Act, including the making of such reports, in such forms and containing such information as the Federal Social Security Board or any other proper agency of the Federal Government may, from time to time, require, and comply with such requirements as such Board or agency may, from time to time, find necessary to assure the correctness and verifications of such reports;

e. Assist other departments, agencies, and institutions of the local, State and Federal Governments, when so requested and cooperate with such agencies when expedient, in performing services in conformity with the purposes of this Act.

f. Fix the fees to be paid to ophthalmologists or physicians skilled in treatment of diseases of the eye for the examination of applicants for, and recipients of, assistance as needy blind persons, as herein provided in Section 15 of this Act.

g. Establish and provide such method of local administration as is deemed advisable, and provide such personnel as may be found necessary for carrying out in an economical way the administration of this Act; provided, however, that all employees of the Department shall have been residents of the State of Texas for a period of at least four (4) years preceding their appointment. To serve in an advisory capacity to such local administrative units as may be established, there may be also established local advisory boards of Public Welfare, which boards shall be of such size, membership, and experience as may be determined by the Executive Director of the Department of Wel-

fare to be essential for the accomplishment of the purposes of this Act.

h. Carry on research and compile statistics relative to the entire public welfare program throughout the State, including all phases of dependency, delinquency, and related problems, and develop plans in cooperation with other public and private agencies for the prevention as well as treatment of conditions giving rise to public welfare problems.

Section 6. There shall be created in the State Department of Public Welfare the following Divisions:

a. A Division of Public Assistance;

b. A Division of Child Welfare;

c. A Division of Research and Statistics, and such other Divisions as the Executive Director may find necessary for effective administration. The Executive Director shall have the power to allocate and reallocate functions among the Divisions within the Department and have the power and authority, subject to classification, to select, appoint, and discharge such assistants, clerks, stenographers, auditors, bookkeepers, and clerical assistants as may be necessary in the administration of the duties imposed upon the State Department of Public Welfare within the limits of the appropriations that may be made for the work of said department; salaries of all such employees to be fixed by the Executive Director in keeping with salaries paid other State employees performing like work and holding similar positions.

Section 7. The Executive Director shall prepare and submit to the Board, for its approval, a biennial budget of all funds necessary to be appropriated by the Legislature for the State Department for the purposes of this Act, including in such budget an estimate of all Federal funds which may be allotted to this State by the Federal Government for the purposes of the State Department. The budget so prepared shall by the Board be submitted to and filed with the Board of Control in the form and manner and within the time prescribed by law.

Section 8. The Executive Director shall prepare annually a full report of the operation and administration of the Department, together with such recommendations and suggestions as he may deem advisable, and such reports shall be submitted to the Board

not later than the first day of October of each year. The Board, in turn, shall submit a report to the Governor and the Legislature.

Section 9. a. All of the rights, powers, and duties heretofore conferred by law on the Division of Child Welfare of the Board of Control, when not otherwise in conflict with any of the provisions of this Act, are hereby continued in full force and effect, and are hereby transferred to, and conferred upon, the State Department of Public Welfare as created by this Act, and shall be held, exercised, and performed by the State Department under the provisions of this Act and the several Acts now in force, and any amendment or amendments thereto which might be made. To effectuate this purpose the Division of Child Welfare, records, and physical properties are transferred to the State Department and placed under its supervision, and the Division of Child Welfare of the State Board of Control is hereby abolished.

b. All of the rights, powers, and duties heretofore conferred by law upon the Texas Relief Commission, not otherwise in conflict with any of the provisions of this Act, are hereby continued in full force and effect, and are hereby transferred to, and conferred upon, the State Department of Public Welfare as created by this Act, and shall be held, exercised, and performed by the State Department under the provisions of this Act, and the several Acts now in force, and any amendment or amendments thereto which might be made. To effectuate this purpose, the records, and physical properties of the Texas Relief Commission are transferred to the State Department of Public Welfare and placed under its supervision, and the Texas Relief Commission, as referred to in Chapter 30, of the Acts of 1935, is hereby abolished.

c. All of the rights, powers, and duties heretofore conferred by law upon the Texas Old Age Assistance Commission, when not otherwise in conflict with any of the provisions of this Act, are hereby continued in full force and effect, and are hereby transferred to, and conferred upon the State Department of Public Welfare as created by this Act, and shall be held, exercised, and performed by the State Department under the provisions

of this Act, and the several Acts now in force, and any amendment or amendments thereto which might be made. To effectuate this purpose, the records and physical properties are hereby transferred to the State Department and placed under its supervision, and the Texas Old Age Assistance Commission is hereby abolished.

d. Provided, that no provision of this Act shall in any manner interfere with the powers and functions of the Vocational Rehabilitation Division of the Department of Education, the State Commission for the Blind, or the Division of Maternal and Child Health of the State Health Department, or the Juvenile Boards of any of the counties authorized by Title 82, Revised Civil Statutes as amended.

Section 10. The State Department of Welfare is hereby designated as the State agency to cooperate with the Federal Government in the administration of the provisions of Title I, Title IV, Part 3 of Title V, and Title X, of the Federal "Social Security Act" and of the provisions of such other Titles of the Federal "Social Security Act" as may be added thereto from time to time, in the event no other State agency is by law designated to cooperate with the Federal Government in the administration of the provisions of such Title or Titles as may be added to the "Social Security Act" and the Department is directed to enact and promulgate such rules and regulations as may be necessary to effect the cooperation as herein outlined and designated.

The State Department of Welfare is hereby authorized and directed to cooperate with the proper departments of the Federal Government and with all other departments of the State and local governments in the enforcement and administration of such provisions of the Federal "Social Security Act", and any amendments thereto and the rules and regulations issued thereunder, and in compliance therewith, in the manner prescribed in this Act or as otherwise provided by law.

Section 11. a. The State Treasurer is hereby designated as the custodian of any and all money which may be received by the State of Texas (which the State Department of Public Welfare is authorized to administer), from any appropriations made by the

Congress of the United States for the purpose of cooperating with the several States in the enforcement and administration of the several provisions of the Federal "Social Security Act", and all money received from any other source; and the State Treasurer is hereby authorized to receive such money, pay it into the proper fund or the proper account of the General Fund of the State Treasury, provide for the proper custody thereof and to make disbursements therefrom upon the order of the State Department and upon warrant of the State Comptroller of Public Accounts.

b. For the purpose of carrying out the provisions of this Act, all monies in the Texas Old Age Assistance Fund, created by House Bill No. 26, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by House Bill No. 8, Chapter 495, Acts of the Third Called Session of the Forty-fourth Legislature shall be transferred to the State Department of Public Welfare Fund as created by this Act, provided same shall be expended only for the purpose of carrying out the provisions of House Bill No. 8, Chapter 495, Acts of the Third Called Session of the Forty-fourth Legislature, and any amendments thereto. All monies that have heretofore, or may be, allocated, for the purpose of carrying out the provisions of House Bill No. 8, Chapter 495, Acts of the Third Called Session of the Forty-fourth Legislature, to the Texas Old Age Assistance Fund shall, from the effective date of this Act, be allocated to and placed in the State Department of Public Welfare Fund to be used for the purposes for which they were created or appropriated.

Section 12. Assistance shall be given under the provisions of this Act to any needy blind person who:

a. is over the age of twenty-one (21) years; and

b. whose vision, with correctional glasses, is insufficient for use in an occupation for which sight is essential; and

c. who has resided in this State for five (5) years during the nine (9) years immediately preceding the date of application, and who has resided in this State continuously for one year immediately preceding the date of application; and

d. is not at the time of receiving such aid an inmate of any public or

private home for the aged; or of any institution supported wholly or in part by Federal, State, county or city funds, or any public or private institution of a custodial, correctional, or curative character; provided, however, that aid may be granted to persons temporarily confined in private institutions for medical or surgical care; and

e. who is not publicly soliciting alms in any part of this State. The term "publicly soliciting" shall be construed to mean the wearing, carrying, or exhibiting the signs denoting blindness, or the carrying of receptacles for the reception of alms, or the doing of the same by proxy, or by begging from house to house or on any public street, road, or thoroughfare within the State; and

f. who has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health; and

g. who is a citizen of the United States.

Section 13. No aid to needy blind persons shall be given under the provisions of this Act to any individual for any period with respect to which he is receiving aid under the Old Age Assistance Act of the State of Texas.

Section 14. The amount of assistance which shall be granted to any needy blind person shall be determined by the State Department through its district or county agencies in the county or district in which the needy blind person resides, with due regard to the resources and necessary expenditures of such needy blind person, and the conditions existing in each case, and in accordance with the rules and regulations made by the State Department. In no case shall the amount of assistance granted to any needy blind person exceed the sum of Fifteen (\$15.00) Dollars per month, and, in addition thereto, such funds as the Federal Government may appropriate and allocate to the State of Texas from time to time shall be distributed among the recipients of assistance in like manner as State funds are paid under the terms of this Act; provided that in no case shall such assistance be in an amount which, when added to the income of the applicant from all other sources, including income from property and from State and Federal Government, shall exceed a total of Thirty (\$30.00)

Dollars per month; provided that the assistance granted herein shall be granted in such amount as will provide reasonable subsistence not incompatible with good health and decency, and provided further that assistance which may be received from some other source, for the purpose of providing surgical operation or medical treatment for the purpose of benefiting or removing the applicant's visual disability, when such operation or treatment is recommended by a qualified ophthalmologist or physician skilled in treatment of diseases of the eye shall not be considered as income available to the applicant for subsistence.

Section 15. No application for assistance as a needy blind person shall be approved until the applicant shall have been examined by an ophthalmologist or physician skilled in treatment of diseases of the eye and who is licensed to practice medicine in Texas, and who has been approved by the State Department to make such examination. The examining ophthalmologist or physician shall certify, in writing upon forms prescribed by the State Department as to the cause, diagnosis, and prognosis, and shall make recommendations as to the medical and surgical treatment. The State Department shall adopt a reasonable fee schedule for such examinations. Such fees shall be paid out of the funds appropriated to the State Department for the purpose of assistance to needy blind persons under the provisions of this Act or for administrative expense.

Section 16. No assistance given to any needy blind person under the provisions of this Act shall be transferable or assignable, at law or in equity, and none of the money paid or payable under the provisions of this Act shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any insolvency law.

Section 17. All assistance granted under the provisions of this Act to any needy blind person shall be reconsidered as frequently as may be required by the rules of the State Department. After such further investigation as the State Department may deem necessary or may require, the amount of assistance may be changed, or the assistance may be entirely withdrawn if the State De-

partment finds that the recipient's circumstances have altered sufficiently to warrant such action. The State Department may at any time cancel and revoke assistance or it may suspend assistance for such period as it may deem proper, upon the ground of ineligibility of the recipient under the provisions of this Act. Whenever assistance is thus withdrawn, revoked, suspended, or in any way changed, the State Department shall at once notify the recipient of such decision.

Section 18. Every recipient of assistance as a needy blind person shall submit to a re-examination of his eyesight at least once every two (2) years, unless excused therefrom by the State Department. He shall also furnish any reasonable information required by the State Department.

Section 19. Assistance under the provisions of this Act, at the discretion of the State Department, may be denied or withdrawn from any needy blind person who refuses medical, surgical, or other treatment, when his eyesight may be partially or wholly restored by such treatment and a certificate in writing to that effect is made by the examining ophthalmologist or physician skilled in the treatment of diseases of the eye. Any person who is denied assistance upon this ground shall be granted an opportunity for a fair hearing as herein provided. The State Department may appoint regular practicing physicians to examine the needy blind as to their physical condition, and appoint ophthalmologists or physicians skilled in treatment of diseases of the eye, to examine applicants as to the condition of their eyes.

Section 20. The State Department shall promulgate such rules and regulations stating in terms of ophthalmic measurements, the amount of visual acuity which an applicant may have and still be eligible for assistance under this Act.

Section 21. Assistance may be given under the provisions of this Act with respect to any needy dependent child who:

- a. Is a citizen of the United States;
- b. Has resided in this State for a period of at least one (1) year immediately preceding the date of the application for such assistance; or was born within the State within one year immediately preceding the date

of application, and whose mother has resided in the State for a period of at least one (1) year immediately preceding the birth of such child.

Section 22. The amount of assistance which shall be granted for any needy dependent child shall be determined by the State Department, through its district or county agencies in the county or district in which the child resides, with due regard to the resources and necessary expenditures of the family of such child and the conditions existing in each case, and in accordance with the rules and regulations made by the State Department, and shall be sufficient, when added to all other income and support available to the child to provide such child with a reasonable subsistence compatible with decency and health, within the limitations and provisions of the Constitution of Texas as are now provided, or may later be provided, and, in addition thereto, such funds as the Federal Government may appropriate and allocate to the State of Texas from time to time shall be distributed to the recipients of assistance in like manner as State funds are paid under the terms of this Act.

Section 23. Application for assistance for a needy dependent child under the provisions of this Act shall be made in the manner and upon the form prescribed by the State Department. During the period in which assistance is granted, the State Department shall have jurisdiction over general guidance of all children aided.

Section 24. When the investigation discloses that a child in whose behalf application for assistance has been made is a needy dependent child as defined in this Act, and that such child is living, or will live, with one or more of the relatives prescribed in this Act, assistance may be allowed for the support of such child if other provisions of this Act are complied with.

Section 25. Assistance shall be granted under the provisions of this Act to all persons or families who are in dependent and needy circumstances, and who are ineligible for, or not currently receiving, assistance in other categories specified in this Act.

Section 26. The State Department shall designate or establish district or local units of administration as its

agents in administering or supervising these general relief services.

Section 27. The State Department is hereby designated as the State agency to cooperate with the Federal Government in the proper administration and distribution of Federal surplus commodities and any other Federal resources now on hand and available, or that may be provided in the future.

Section 28. The State Department is hereby designated as the agency to cooperate with the Children's Bureau of the United States Department of Labor in:

a. establishing, extending, and strengthening, especially in predominantly rural areas, public welfare services for the protection and care of homeless, dependent, and neglected children and children in danger of becoming delinquent; and

b. developing State services for the encouragement and assistance of adequate methods of community child welfare organization and paying part of the cost of district, county or other local child welfare services in areas predominantly rural and in other areas of special need; and as may be determined by the rules and regulations of said State Department; and

c. developing such plans as may be found necessary to effectuate the services contemplated in this Section, and to comply with the rules and requirements of the Children's Bureau of the United States Department of Labor issued and prescribed in conformity with, and by virtue of, the Federal "Social Security Act".

Sec. 29. a. In the event that an application for public assistance by a needy blind person, a needy aged person, or with respect to a needy dependent child, is not acted upon by the local unit of administration within a reasonable time after the filing of such an application, or is denied in whole, or in part, or any award of assistance is modified or cancelled, or applicant or recipient is dissatisfied with any action or failure to act on the part of the local administrative unit, the applicant or recipient shall have the right to appeal to the State Department and shall be granted a reasonable notice and opportunity for a fair hearing before the State Department.

b. Within a reasonable time prior to an applicant's or recipient's appeal

hearing, he, or his authorized agent, shall be fully advised of the information contained in his record on which action of the local administrative unit was based, if request for such information is made in writing, and no evidence of which the applicant or recipient is not informed, in such instances, shall be considered by the Board as the basis for a decision after a hearing.

Sec. 30. a. It shall be unlawful for any attorney-at-law, or attorney-in-fact, or any other person, firm, or corporation whatsoever, representing any applicant or recipient of assistance to the aged, to the needy blind, or to any needy dependent child, or for any child welfare service with respect to any application before the State Department, or any of its agents, to charge a fee for his services in excess of Ten Dollars (\$10) in aiding or representing any such applicant before the State Department, or for any other service in aiding such applicant to secure assistance or service. It shall likewise be unlawful for any person, firm, or corporation, to advertise, hold himself out for, or solicit the procurement of assistance or service.

b. Any person or persons charged with the duty or responsibility of administering, disbursing, auditing, or otherwise handling the grants, funds, or monies provided for in this Act, and who shall misappropriate any such grants, funds, or monies or who shall by deception or fraud to any other person wrongfully distribute the grants, funds, or monies provided for in this Act, shall be deemed guilty of a felony and shall, upon conviction, be confined in the State Penitentiary for a term of not less than two (2) nor more than twenty (20) years.

Sec. 31. All records concerning any applicant or recipient contemplated in this Act shall be confidential, and shall be open to inspection only to persons duly authorized by the State, or the United States, to make such inspection in connection with their official duties; provided, however, that factual information in such records shall be available to applicants and recipients or their duly authorized agents; provided, further, that no lists of names of recipients shall be published or distributed for purposes of being made parts of any State, county or city records, or for any other purpose.

Sec. 32. Any person who is receiving assistance under the provisions of this Act and who moves out of and does not reside in the State shall, by virtue of that fact, be deemed ineligible to receive assistance in this State except that temporary absence from the State for such periods of time, and for such reasons as the State Department shall approve, shall not be deemed to interrupt the residence of the recipient.

Sec. 33. No person, who has attained the age of sixty-five (65), and who is not receiving old age assistance, shall by reason of his age, be barred from receiving other public relief and care.

Sec. 34. The purpose of this Act is to inaugurate a program of social security and to provide necessary and prompt assistance to the citizens of this State who are entitled to avail themselves of its provisions. This Act shall be liberally construed in order that its purposes may be accomplished as equitably, economically and expeditiously as possible.

Sec. 35. a. Whoever obtains, or attempts to obtain, or aids or abets any person to obtain, by means of a wilfully false statement or representation or by impersonation, or by other fraudulent means:

1. assistance, services, or treatment to which he is not entitled;
2. assistance, services, or treatment greater than that to which he is justly entitled;
3. or with intent to defraud, aids or abets in buying, or in any way disposing of the property of a recipient of assistance without the consent of the State Department, or whoever violates Section 30 of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined any sum not more than One Hundred Dollars (\$100), or be imprisoned for not less than six (6) months, nor more than two (2) years, or be both so fined and imprisoned.

Sec. 36. a. The effective date of this Act shall be September 1, 1939, thereafter the several officers and agencies of the State whose duties are transferred by this Act to the State Department shall continue to discharge the respective duties which they were discharging at the time of the taking effect of this Act, until the State Board shall certify in writing, to the Secretary of State and the Comp-

troller of Public Accounts, that the State Department of Public Welfare is organized, as prescribed in this Act and is prepared to assume the duties assigned to it by the provisions of this Act.

b. All matters and orders pending before or made by any officer or department or unit transferred under this Act to the State Department shall be deemed to be continued in like status in such department.

Sec. 37. a. There is hereby created in the Treasury of the State of Texas a special fund to be known as the "State Department of Public Welfare Fund," to be kept separate and apart from all other funds by the State Treasurer. It is provided that the Legislature, out of any monies allocated to said Fund, may appropriate sums of money sufficient to pay the aid and assistance to needy citizens of Texas and for the rendering of other services as provided for in this Act. It is further provided that, out of said Fund, the Legislature may appropriate monies to be used for the purposes of administering this Act.

b. All assistance benefits provided for under the terms of this Act shall be paid by vouchers or warrants drawn by the State Comptroller on the "State Department of Public Welfare Fund"; for the purpose of permitting the State Comptroller to properly draw and issue such vouchers or warrants, the State Department of Public Welfare shall furnish the Comptroller with a list or roll of those entitled to assistance from time to time, together with the amount to which each recipient is entitled. When such vouchers or warrants have been drawn they shall be delivered to the Executive Director of the State Department of Public Welfare, who in turn shall supervise the delivery of same to the persons entitled thereto.

Sec. 38. All assistance granted under the provisions of this Act shall be deemed to be granted and to be held subject to the provisions of any amending or repealing Act that may hereafter be passed, and no recipient shall have any claims for compensation, or otherwise, by reason of his assistance being affected in any way by any amending or repealing Act.

Sec. 39. The local representatives of the Department, who are charged with the duty of investigating and determining the eligibility of appli-

cants for assistance under the provisions of this Act, are authorized to administer oaths and take acknowledgments concerning all matters relating to the administration of this Act. No seal shall be required of such representatives of the Department in attesting to oaths administered or acknowledgments taken, but said representatives shall officially sign said oaths or acknowledgments, showing with such signature their position and title. In this connection, these local representatives of the Department, for the purposes of the administration of this Act, shall have the same authority as is now had by Notaries Public coextensive with the limits of the State of Texas.

Sec. 40. It is provided that no grants of aid and assistance shall be made to any needy blind person or for the benefit of any dependent and destitute child until the expiration of ninety (90) days after the effective date of any revenue Act or Acts that may be passed by the Legislature making funds available to be used for the purposes of granting such aid and assistance.

Sec. 41. If any Section, Subsection, paragraph, sentence, clause, phrase, or word of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect the validity of the remaining portions of the Act, and the Legislature hereby declares that it would have passed such remaining portions despite such invalidity.

Sec. 42. County Child Welfare Boards established or hereinafter appointed in conformity with Section 4, Act of 1931, Forty-second Legislature, page 323, Chapter 194, shall continue to function as provided therein.

Sec. 43. No provision of this Act is intended to release the counties and municipalities in this State from the specific responsibility which is currently borne by those counties and municipalities in support of public welfare, child welfare, and relief services. Such funds which may hereafter be appropriated by the counties and municipalities for those services may be administered through the county or district offices of the State Department, and, if so administered, shall be devoted exclusively to the services in the county or municipality making such appropriation.

Sec. 44. If at any time State Funds

are not available to pay all grants of assistance in full as authorized in this Act and in House Bill No. 8, Acts, Forty-fourth Legislature, Third Called Session, said grants shall be prorated in accordance with requirements of the Federal Social Security Board, insofar as those grants are concerned for the payment of which in part Federal Funds are allocated by said Social Security Board.

Sec. 45. This Act shall be known and may be cited as "The Public Welfare Act of 1939."

Sec. 46. All Acts, laws, or parts thereof in conflict with the Act are hereby repealed.

Sec. 47. The Public Welfare Act of 1937, Acts 1937, Forty-fifth Legislature, page 880, Chapter 435, is hereby repealed.

Sec. 48. The fact that there is not a proper agency in this State for administering the several provisions and benefits provided under the provisions of the Federal "Social Security Act," of 1935, and the further fact that there are thousands of needy persons in this State entitled to such benefits, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and this Act shall take effect and be in force on and after September 1, 1939, and it is so enacted.

On motion of Mr. Alsup, the report was adopted by the following vote:

Yeas—131

Allen	Bundy
Allison	Burkett
Alsup	Burney
Anderson	Cauthorn
Bailey	Chambers
Baker	Clark
of Fort Bend	Cleveland
Baker of Grayson	Cockrell
Bell	Colquitt
Boethel	Colson, Mrs.
Bond	Cornett
Boyd	Corry
Boyer	Crossley
Bradbury	Davis of Jasper
Bradford	Davis of Upshur
Bray	Derden
Bridgers	Dickison
Brown of Cherokee	Dickson
Brown	Donaghey
of Nacogdoches	Dowell

Dwyer	Mohrmann
Faulkner	Monkhouse
Ferguson	Montgomery
Fielden	Morris
Fuchs	Newell
Galbreath	Nicholson
Gilmer	Oliver
Goodman	Pace
Gordon, Mrs.	Petsch
Hale	Pevehouse
Hamilton	Piner
Hardeman	Ragsdale
Hardin	Reader of Erath
Harp	Reaves
Harper	Reed
Harrell of Bastrop	Rhodes
Harrell of Lamar	Roach
Harris	Roberts
Heflin	Robinson
Holland	Russell
Howard	Segrist
Howington	Skiles
Hull	Smith of Frio
Hunt	Smith of Hopkins
Isaacks	Smith
Johnson of Ellis	of Matagorda
Johnson of Tarrant	Spencer
Keith	Stinson
Kennedy	Stoll
Kern	Talbert
Kerr	Tarwater
Kersey	Taylor
Kinard	Tennant
King	Thornberry
Langdon	Thornton
Lehman	Turner
Leyendecker	Vint
Little	Voigt
Lock	Waggoner
Loggins	Weldon
London	Wells
McAlister	Westbrook
McDaniel	Wilson
McDonald	Winfree
McFarland	Wood
McMurry	Worley
McNamara	Wright

Absent

Blankenship	Leonard
Broadfoot	Mays
Celaya	Pope
Coleman	Reader of Bexar
Daniel	Schuenemann
Dean	Shell
Felty	Vale
Hartzog	White

Absent—Excused

Hankamer	Riviere
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ADOPTION OF CONFERENCE
COMMITTEE REPORT ON
SENATE BILL
NO. 117

Mr. Brown of Cherokee submitted the following Conference Committee Report on Senate Bill No. 117.

Austin, Texas, May 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on Senate Bill No. 117, beg leave to submit the following report and recommend that it do pass in the form hereto attached.

Respectfully submitted,

AIKIN,
REDDITT,
SMALL,
COTTEN,

On the part of the Senate.

BROWN of Cherokee,
CHAMBERS,
LOCK,
THORNTON,
HANKAMER,

On the part of the House.

S. B. No. 117.

A BILL

To Be Entitled

An Act amending Article 2665 of the Revised Civil Statutes of the State of Texas, Acts of the Second Called Session, 1909, page 432, and providing formulas to be used by the State Board of Education in estimating the necessary amount to operate the schools for a period of not less than six (6) months, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Article 2665 of the Revised Civil Statutes of the State of Texas, Acts of the Second Called Session, 1909, page 432, be and the same is hereby amended to hereafter read as follows:

"Article 2665. The State Board of Education shall, on or before the first day of August in each year, based on the estimate theretofore furnished said Board by the Comptroller, make an apportionment for the ensuing

scholastic year of the available State School Funds among the several counties of the State and the several cities and towns and school districts constituting separate school organizations, according to the scholastic population of each, and thereupon the secretary shall certify to the treasurer of each such separate school organization the total amount of available school fund so apportioned to each, which certificate shall be signed by the president and countersigned by the Comptroller and attested by the secretary.

"In arriving at the amount to be apportioned, the State Board of Education shall determine the cost of operating schools for a six (6) months period, taking into consideration the estimate of current costs, including the cost of general control, instruction, operation, maintenance, fixed charges, auxiliary agencies, and interest on short term loans; all items to be calculated on a minimum program of education set up by the State Board. When such apportionment per pupil has been fixed, same shall be certified by the secretary of the Board and filed with the Automatic Tax Board to be used by the Tax Board in fixing the rate of State ad valorem taxes for school purposes that will provide sufficient funds to maintain the public schools of Texas for a period of not less than six (6) months. Provided that the State Board of Education in estimating the amount of money that it judges to be necessary to maintain the public schools for a period of not less than six (6) months shall proceed as follows, and make use of the formulas set up as follows: (1) It shall multiply the minimum base salary per month used in accredited schools by the total number of teachers, principals, supervisors, assistant superintendents, and superintendents in the State, and then multiply this product by six; (2) From its statistical data collected yearly showing total expenditures for school purposes by all the public schools of the State, it shall make an average of such expenditures for the last five (5) years preceding the year for which the per capita is to be set, taking into account all expenditures for general control less salaries paid to superintendents and assistant superintendents, for instructional purposes less

salaries paid to supervisors, principals, and teachers of all ranks, for the operation of the school plants, for the maintenance of the school plants, for fixed charges, for interest on short term loans to pay current running expenses in anticipation of the collection of taxes or the receipt of the State per capita or other moneys, and for auxiliary agencies, but specifically excluding all amounts spent for bonds or the servicing of bonds or bonded indebtedness in any way and specifically excluding also all amounts spent as capital outlay for grounds, buildings, and equipment; (3) It shall take two-thirds of the total average so found as directed in two (2) above and add to it the last product as found in one (1) above, and this last sum so found shall be considered the amount that is deemed necessary to maintain the public schools for a period of not less than six (6) months. Provided that the State per capita apportionment shall never exceed Twenty-two Dollars and Fifty Cents (\$22.50) for any one scholastic year."

Sec. 2. The fact that confusion has arisen as to the duties of the Automatic Tax Board of the State of Texas and the duties of the Board of Education, and the further fact that on account of such confusion various public schools of Texas have been unable to run for the minimum of six (6) months, as required by the Constitution of Texas, creates an emergency and an imperative public necessity that the Constitutional Rule, requiring bills to be read on three several days in each House, be suspended; and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Brown of Cherokee, the report was adopted by the following vote:

Yeas—130

Allen	Boyer
Allison	Bradbury
Alsup	Bradford
Anderson	Bray
Bailey	Bridgers
Baker	Broadfoot
of Fort Bend	Brown of Cherokee
Baker of Grayson	Brown
Bell	of Nacogdoches
Boethel	Bundy
Bond	Burkett
Boyd	Burney

Cauthorn	Little
Celaya	Lock
Chambers	Loggins
Cleveland	London
Cockrell	McAlister
Coleman	McDaniel
Colson, Mrs.	McDonald
Cornett	McFarland
Corry	McMurry
Crossley	McNamara
Davis of Jasper	Mohrmann
Davis of Upshur	Monkhouse
Derden	Montgomery
Dickison	Morris
Dickson	Newell
Donaghey	Oliver
Dowell	Pace
Dwyer	Petsch
Faulkner	Pevehouse
Felty	Piner
Ferguson	Pope
Fielden	Ragsdale
Fuchs	Reader of Erath
Galbreath	Reed
Gilmer	Rhodes
Goodman	Roach
Gordon, Mrs.	Roberts
Hale	Robinson
Hamilton	Russell
Hardeman	Segrist
Hardin	Skiles
Harp	Smith of Frio
Harper	Smith of Hopkins
Harrell of Bastrop	Smith
Harris	of Matagorda
Heflin	Spencer
Holland	Stinson
Howard	Stoll
Howington	Tarwater
Hull	Taylor
Hunt	Tennant
Isaacks	Thornberry
Johnson of Ellis	Thornton
Johnson of Tarrant	Turner
Keith	Voigt
Kennedy	Waggoner
Kern	Weldon
Kerr	Wells
Kersey	Westbrook
Kinard	Wilson
King	Winfree
Langdon	Wood
Lehman	Worley
Leonard	Wright
Leyendecker	

Absent

Blankenship	Hartzog
Clark	Mays
Colquitt	Nicholson
Daniel	Reader of Bexar
Dean	Reaves
Harrell of Lamar	Schuenemann

Shell
Talbert
Vale

Vint
White

Absent—Excused

Hankamer

Riviere

MESSAGE FROM THE SENATE

Austin, Texas, May 23, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 72, A bill to be entitled "An Act amending Chapter 277, Acts of the Regular Session of the Forty-second Legislature, as heretofore amended, designating said Act as the 'Motor Carrier Act of Texas' and adding the Sections thereto contained in this Act, to be known as the 'Private Carrier Act of Texas'; etc., and declaring an emergency." (With amendments.)

H. B. No. 1097, A bill to be entitled "An Act making an appropriation of the sum of Seventy-five Thousand (\$75,000.00) Dollars, or so much thereof as may be necessary out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses and per diem of Members, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILL NO. 72 WITH SENATE AMENDMENTS

Mr. Hull called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 72, A bill to be entitled "An Act amending Chapter 277, Acts of the Regular Session of the Forty-second Legislature, as heretofore amended, designating said Act as the 'Motor Carrier Act of Texas' and adding the sections thereto contained in this Act, to be known as the 'Private Motor Carrier Act of Texas'; providing that said Motor Carrier Act shall not apply to a private carrier, as herein defined, except as specifically provided by this Act; etc., and declaring an emergency."

Mr. Hull moved that the House concur in the Senate amendments to House Bill No. 72.

On motion of Mr. Allison, further consideration of House Bill No. 72, and the Senate amendments, was postponed until 10:30 o'clock a. m., tomorrow.

HOUSE JOINT RESOLUTION NO. 44 ON SECOND READING

The Speaker laid before the House, on its second reading,

H. J. R. No. 44, Proposing an amendment to Article 3 of the Constitution of the State of Texas authorizing the lending of \$3,000,000 of the Permanent School Fund for the construction of a State office building or buildings and acquiring necessary sites therefor; providing for repayment of the Permanent School Fund; providing for the submission of this amendment to the voters of this State; and providing for the necessary proclamation and expenses of publication.

The resolution was read second time, and was passed by the following vote:

Yeas—122

Allison	Crossley
Alsup	Daniel
Anderson	Davis of Jasper
Bailey	Derden
Baker	Dickison
of Fort Bend	Dickson
Baker of Grayson	Donaghey
Bell	Dowell
Boethel	Dwyer
Bond	Faulkner
Boyd	Ferguson
Boyer	Fielden
Bradbury	Fuchs
Bradford	Galbreath
Bray	Gilmer
Bridgers	Goodman
Broadfoot	Gordon, Mrs.
Brown	Hale
of Nacogdoches	Hamilton
Bundy	Hardeman
Burkett	Hardin
Burney	Harper
Cauthorn	Harrell of Lamar
Celaya	Harris
Chambers	Hartzog
Clark	Heflin
Cleveland	Holland
Coleman	Howard
Colquitt	Howington
Colson, Mrs.	Hull
Cornett	Hunt
Corry	Isaacks

Johnson of Ellis	Reader of Erath
Johnson of Tarrant	Reaves
Keith	Rhodes
Kennedy	Roberts
Kern	Robinson
Kerr	Russell
Kersey	Segrist
King	Skiles
Langdon	Smith of Frio
Lehman	Smith of Hopkins
Leonard	Smith
Leyendecker	of Matagorda
Little	Spencer
Lock	Stinson
Loggins	Stoll
London	Tarwater
McAlister	Taylor
McDaniel	Thornberry
McDonald	Thornton
McFarland	Turner
McMurry	Vint
McNamara	Waggoner
Mohrmann	Weldon
Monkhouse	Wells
Montgomery	Westbrook
Morris	White
Newell	Wilson
Oliver	Winfree
Petsch	Wood
Piner	Worley
Ragsdale	Wright

Nays—13

Allen	Pace
Brown of Cherokee	Pevehouse
Cockrell	Reed
Davis of Upshur	Roach
Harp	Talbert
Kinard	Tennant
Nicholson	

Absent

Blankenship	Reader of Bexar
Dean	Schuenemann
Felty	Shell
Harrell of Bastrop	Vale
Mays	Voigt
Pope	

Absent—Excused

Hankamer	Riviere
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BILLS ORDERED NOT PRINTED

(By unanimous consent)

On motion of Mr. Reader of Bexar, House Bill No. 1109 was ordered not printed.

On motion of Mr. Kinard, House Bills Nos. 1107 and 1108 were ordered not printed.

EXTENDING CONGRATULATIONS OF THE HOUSE

Mr. Dickson offered the following resolution:

H. S. R. No. 289, Extending congratulations of the House.

Whereas, Miss Joyce Whaley, daughter of Mr. and Mrs. W. H. Whaley of Sweetwater has been named "Miss West Texas" at the annual convention of the West Texas Chamber of Commerce; and

Whereas, Miss Whaley won this honor and distinction in competition with many other beautiful young ladies from the towns of West Texas; and

Whereas, In winning this acclaim of her beauty and charm Miss Whaley has brought honor to her home city, to West Texas and to Texas as a whole; therefore, be it

Resolved by the House of Representatives of the Forty-sixth Legislature of the State of Texas, That Miss Joyce Whaley be complimented by this body, and that a copy of this resolution be sent to Miss Whaley, to her parents, and to the Secretary-Manager of the West Texas Chamber of Commerce.

The resolution was read second time, and was adopted.

EXTENDING CONGRATULATIONS OF THE HOUSE

Mr. Dickson offered the following resolution:

H. S. R. No. 290, Extending congratulations of the House.

Whereas, The West Texas Chamber of Commerce has named as its "official band" the Newman High School Band of Sweetwater; and

Whereas, This title was bestowed after long consideration by officials of the West Texas Chamber of Commerce of the qualities of many fine West Texas bands; and

Whereas, This distinction is an honor to the members of the band, to Mr. Russell Shrader, their capable director, to the Sweetwater public schools, to West Texas and to Texas as a whole; therefore, be it

Resolved by the House of Representatives of the Forty-sixth Legislature of the State of Texas, That the Newman High School Band of Sweetwater and its director, Mr. Russell Shrader, be complimented by this body, and that a copy of this resolution be

sent to Mr. Shrader, to Superintendent Ross Covey of the Sweetwater public schools, and to the Secretary-Manager of the West Texas Chamber of Commerce.

The resolution was read second time, and was adopted.

MOTION TO INSTRUCT COMMITTEE ON LABOR

Mr. Dwyer moved that the Committee on Labor be instructed to report Senate Bill No. 325 back to the House immediately.

The motion was lost by the following vote:

Yeas—43

Boethel	Johnson of Ellis
Bradford	Keith
Bundy	Kinard
Burney	Lock
Cauthorn	McAlister
Cleveland	McNamara
Cockrell	Monkhouse
Coleman	Montgomery
Daniel	Morris
Dean	Nicholson
Dickison	Pope
Dickson	Robinson
Donaghey	Skiles
Dwyer	Smith of Hopkins
Gilmer	Smith
Hamilton	of Matagorda
Hardin	Thornton
Harp	Waggoner
Hartzog	Wells
Heflin	White
Holland	Winfree
Howard	Wright

Nays—49

Allison	Fielden
Anderson	Galbreath
Bailey	Hardeman
Baker of Grayson	Harrell of Lamar
Bond	Howington
Boyd	Hunt
Boyer	Johnson of Tarrant
Bradbury	Kennedy
Bridgers	Kersey
Brown of Cherokee	Loggins
Burkett	Mays
Chambers	McDaniel
Clark	McFarland
Colquitt	McMurry
Cornett	Mohrmann
Corry	Newell
Crossley	Pace
Davis of Upshur	Petsch
Dowell	Pevehouse
Felty	Reaves
Ferguson	Rhodes

Roach
Segrist
Stinson
Thornberry

Vint
Weldon
Wood

Present—Not Voting

Allen	King
Alsup	Langdon
Bray	Lehman
Brown	McDonald
of Nacogdoches	Reader of Erath
Colson, Mrs.	Reed
Derden	Roberts
Faulkner	Russell
Goodman	Smith of Frio
Gordon, Mrs.	Spencer
Hale	Talbert
Harper	Tarwater
Harris	Tennant
Kern	Turner

Absent

Baker	London
of Fort Bend	Oliver
Bell	Piner
Blankenship	Ragsdale
Broadfoot	Reader of Bexar
Celaya	Schuenemann
Davis of Jasper	Shell
Fuchs	Stoll
Harrell of Bastrop	Taylor
Hull	Vale
Isaacks	Voigt
Kerr	Westbrook
Leonard	Wilson
Leyendecker	Worley
Little	

Absent—Excused

Hankamer Riviere

NOTICE GIVEN

Mr. Thornton gave notice that he would, on the next legislative day, move to take up for consideration at that time, Senate Joint Resolution No. 12, which resolution was heretofore laid on the table subject to call.

RELATIVE TO CONSIDERATION OF LOCAL AND UNCONTESTED BILLS

Mr. Thornton moved to suspend all necessary Rules for the purpose of taking up, and considering local bills at 2:30 o'clock p. m., today.

The motion was lost by the following vote(not receiving the necessary two-thirds vote):

Yeas—90

Allen	Anderson
Alsup	Bailey

Baker	Kersey
of Fort Bend	King
Baker of Grayson	Lehman
Bell	Leonard
Boyd	Loggins
Boyer	London
Bray	McDonald
Broadfoot	McFarland
Brown	Mohrmann
of Nacogdoches	Monkhouse
Bundy	Montgomery
Burkett	Morris
Cauthorn	Newell
Chambers	Oliver
Cleveland	Pace
Cockrell	Petsch
Coleman	Pope
Colquitt	Reader of Erath
Corry	Reaves
Crossley	Rhodes
Daniel	Roach
Davis of Jasper	Roberts
Davis of Upshur	Russell
Derden	Schuenemann
Dickison	Segrist
Dwyer	Shell
Faulkner	Smith
Ferguson	of Matagorda
Goodman	Spencer
Gordon, Mrs.	Stinson
Hamilton	Tarwater
Hardeman	Taylor
Harp	Tennant
Harper	Thornberry
Harrell of Bastrop	Thornton
Harrell of Lamar	Turner
Harris	Waggoner
Hartzog	Weldon
Heflin	Westbrook
Howington	White
Hunt	Wilson
Isaacks	Winfree
Johnson of Ellis	Worley
Johnson of Tarrant	Wright
Kern	

Nays—48

Allison	Dowell
Boethel	Felty
Bond	Fielden
Bradbury	Fuchs
Bradford	Galbreath
Bridgers	Gilmer
Brown of Cherokee	Hale
Burney	Hardin
Celaya	Holland
Clark	Howard
Colson, Mrs.	Keith
Cornett	Kennedy
Dean	Kerr
Dickson	Langdon
Donaghey	Little

Lock	Robinson
McAlister	Skiles
McDaniel	Smith of Frio
McMurry	Smith of Hopkins
McNamara	Stoll
Nicholson	Talbert
Pevehouse	Vint
Piner	Wells
Reed	Wood

Absent

Blankenship	Ragsdale
Hull	Reader of Bexar
Kinard	Vale
Leyendecker	Voigt
Mays	

Absent—Excused

Hankamer	Riviere
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BILL AND RESOLUTION SIGNED
BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bill and resolution:

H. B. No. 1097, "An Act making an appropriation of the sum of Fifty Thousand (\$50,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses and per diem of Members, and declaring an emergency."

H. J. R. No. 8, Proposing an amendment to the Constitution of the State of Texas, to be known as Section 30b of Article 16, providing that the Legislature may enact laws creating Civil Service for State, county and municipal employees, providing rules and regulations therefor, and further providing that the limitation of the duration of office to two (2) years shall not apply to State, county or municipal Civil Service employees.

RECESS

Mr. Reader of Erath moved that the House recess until 2:30 o'clock p. m., today.

Mr. Wells moved that the House recess until 7:30 o'clock p. m., today.

The motion of Mr. Wells prevailed, and the House, accordingly, at 12:20 o'clock p. m., took recess until 7:30 o'clock p. m., today.

NIGHT SESSION

The House met at 7:30 o'clock p. m., and was called to order by the Speaker.

ADJOURNMENT

On motion of Mr. Hull, the House, at 7:31 o'clock p. m., adjourned until 10:00 o'clock a. m., Wednesday, May 24, 1939.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Appropriations: House Bill No. 641; Senate Bills Nos. 11 and 28.

State Affairs: Senate Bill No. 192.

Game and Fisheries: House Bill No. 1109.

Municipal and Private Corporations: House Bills Nos. 1102, 1107 and 1108.

REPORTS OF THE COMMITTEE
ON ENROLLED BILLS

Committee Room,

Austin, Texas, May 23, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1097, "An Act making an appropriation of the sum of Seventy-five Thousand (\$75,000) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses and per diem of members, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 23, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. J. R. No. 8, Proposing an amendment to the Constitution of the State of Texas to be known as Section 30b of Article 16; providing that the pro-

visions of Article 16, Section 30, of the Texas Constitution limiting the duration of all offices not fixed by the Constitution to two (2) years, shall not apply to appointive offices of any municipalities that are placed under the terms and provisions of Civil Service but the duration of such offices shall be governed by the provisions of the Civil Service Law applicable thereto; providing for an election on the question of adoption or rejection of such amendment; making an appropriation therefor; providing for the proclamation and publication thereof; prescribing the form of ballot.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

May 23, 1939

House Bill No. 1097.

House Joint Resolution No. 8.

SEVENTY-FOURTH DAY

(Wednesday, May 24, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Burkett
Allen	Burney
Allison	Cauthorn
Alsup	Celaya
Anderson	Chambers
Bailey	Clark
Baker	Cleveland
of Fort Bend	Cockrell
Baker of Grayson	Coleman
Bell	Colquitt
Blankenship	Colson, Mrs.
Boethel	Cornett
Bond	Corry
Boyd	Crossley
Boyer	Daniel
Bradbury	Davis of Jasper
Bradford	Davis of Upshur
Bray	Dean
Bridgers	Derden
Broadfoot	Dickson
Brown of Cherokee	Dickson
Brown	Donaghey
of Nacogdoches	Dowell
Bundy	Dwyer